



NASA Policy Directive

COMPLIANCE IS MANDATORY

NPD 3713.60

Effective Date: August 05, 1999

Expiration Date: August 05, 2006

Subject: Delegation of Authority-To Act In Matters Pertaining To Discrimination Complaints Processing Under 29 CFR Part 1614 (Revalidated for 1 year 6/21/05)

Responsible Office: Office of Diversity & Equal Opportunity

1. POLICY

The Assistant Administrator for Diversity and Equal Opportunity establishes the National Aeronautics and Space Administration's (NASA) policy in matters pertaining to discrimination complaints processing.

2. APPLICABILITY

This Directive is applicable to NASA Headquarters and Centers, including Component Facilities, and those employees paid from nonappropriated funds.

3. AUTHORITY

- a. 42 U.S.C. Section 2000e-16 et seq., Title VII of the Civil Rights Act of 1964, as amended.
- b. 29 U.S.C. Section 621 et seq., The Age Discrimination in Employment Act of 1967, as amended.
- c. 29 U.S.C. Section 791 et seq., The Rehabilitation Act of 1973, as amended.
- d. 29 U.S.C. Section 206(d), The Equal Pay Act of 1963.
- e. 42 U.S.C. Section 1981a, The Civil Rights Act of 1991.
- f. Executive Order 11478, as amended.
- g. Executive Order 12106, as amended.

4. REFERENCES

- a. 29 CFR Part 1614.
- b. Equal Employment Opportunity Commission (EEOC) Management Directive (MD) 110.
- c. EEOC MD 715.
- d. NPD 2010.2, Alternative Dispute Resolution (ADR).

5. RESPONSIBILITY

- a. The Assistant Administrator for Diversity and Equal Opportunity shall keep the Administrator and Deputy Administrator fully and currently informed of significant actions, problems, and other matters of substance related to the exercise of the authority delegated hereunder.
- b. The Director, Equal Opportunity Compliance, Complaints Resolution, and ADR, shall oversee and manage the processing and adjudication of individual and class complaints for the entire Agency, including ADR, of discrimination complaints and shall keep the Assistant Administrator for Diversity Equal Opportunity fully and currently informed of significant actions, problems, and other matters related to the exercise of the authority delegated hereunder. In accordance with reference 4.c, NPD 2010.2, the Dispute Resolution Specialist shall be kept informed of ADR activities.
- c. The Center Directors and the Assistant Administrator for Infrastructure and Administration shall keep the Assistant Administrator for Diversity and Equal Opportunity fully and currently informed of significant actions, problems, and other matters of substance related to the exercise of the authority delegated hereunder.

6. DELEGATION OF AUTHORITY

- a. The Assistant Administrator for Diversity Equal Opportunity is delegated authority for the following:
 - (1) Approving policies, plans, and procedures for implementation of NASA's Equal Opportunity (EO) Programs.
 - (2) Evaluating the sufficiency of NASA's EO Programs and ensuring appropriate remedial action.
 - (3) Ensuring that EO counseling and resolution attempts are provided at the informal stage.
 - (4) Ensuring that appropriate ADR processes are established throughout the Agency to address EO matters and that such processes are utilized in both the informal and formal stages of the process.

(5) Ensuring that full cooperation is provided by all Agency employees to EO Counselors and Agency EO personnel in the processing and resolution of precomplaint matters and complaints within the Agency and that full cooperation is provided to the EEOC in the course of appeals, including granting the EEOC routine access to personnel records of the Agency when required in connection with an investigation.

(6) Receiving and accepting and/or dismissing formal individual complaints; receiving class complaints and accepting, dismissing, or modifying recommended decisions of the EEOC Administrative Judge.

(7) Conducting necessary investigations, empowering EO Investigators to administer oaths or obtain notarized statements, and requiring statements of witnesses to be under oath or affirmation without a pledge of confidence.

(8) Rendering final Agency decisions and requiring appropriate corrective actions, including awards of attorney's fees and costs and compensatory damages, on individual and class complaints of discrimination. With respect to individual and class complaints from the Office of the Inspector General, this authority is retained within the Office of the Administrator.

(9) In consultation with the Office of the General Counsel, setting forth the Agency position on all complaint matters on appeal to EEOC, making Request for Reopening determinations, and providing the Agency position in oppositions to Requests for Reopening.

(10) Ensuring compliance with the final appellate decisions of EEOC's Office of Federal Operations.

b. Where the Assistant Administrator for Diversity and Equal Opportunity has a conflict of interest in individual and class complaints, the NASA Deputy Administrator is delegated the authority.

c. The Center Directors and the Assistant Administrator for Infrastructure and Administration are delegated authority to resolve individual and class complaints and to require appropriate remedial actions at any time prior to issuance of a final Agency decision by the Assistant Administrator for Diversity Equal Opportunity or the receipt of a recommended decision from an EEOC Administrative Judge and subsequent final Agency decision by the Assistant Administrator for Diversity and Equal Opportunity. With respect to individual and class complaints from the Office of the Inspector General, this authority is retained within the Office of the Administrator.

d. Where two or more NASA Centers are involved in a class complaint, the Deputy Administrator is delegated the authority to resolve the matter.

e. The NASA General Counsel, or the Center Chief Counsel, or designee, as appropriate, is delegated the authority to designate Agency Representatives in individual complaints and in class complaints of discrimination. If the complaints involve personnel from the Office of the Inspector General, the Counsel to the Inspector General or designee will be asked to serve as or designate co-counsel.

f. The authority delegated in paragraph 6.a. may be redelegated to the Deputy Assistant Administrator for Diversity Equal Opportunity Programs.

g. The authority delegated to Center Directors and the Assistant Administrator for Infrastructure and Administration paragraph 6.c. may be redelegated, without power of further delegation, to the Center EO Officer.

7. MEASUREMENTS

None.

8. CANCELLATION

NPD 3713.6N, dated August 5, 1999

Revalidated June 21, 2005, original signed by

/s/ Daniel S. Goldin

Administrator

ATTACHMENT A: (TEXT)

None.

(URL for Graphic)

None.

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